THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

-

WRIT APPEAL No.1354 OF 2005

DT.08.08.2005

BETWEEN:

Dr. P.Jhonson, S/o. P.J.Prabhakar Rao,

H.No.T.Q.08, A.P.S.W.R.J.C.,

Kurugunata, Anantapur District. ..Appellant

And

Sri Krishnadevaraya University,

Rep. by its Registrar, S.V.Puram,

Anantapur. ..Respondent.

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL No.1354 OF 2005

JUDGMENT: (per the Hon'ble Smt.Justice T.Meena Kumari)

The present Writ Appeal has been filed by the appellant-writ petitioner aggrieved by the Order, dated 22.06.2005, in Writ Petition No.272 of 2002 passed by a learned singe Judge of this Court.

The said Writ Petition was filed to declare the action of the respondent-University in not conducting the interviews for non-teaching posts as illegal and arbitrary.

The brief facts of the case are as follows:

The appellant-writ petitioner was working as Guest Lecturer in the Department of Physical Education in the respondent-University since 1991. While so, the respondent-University issued notification dated 20.03.1997 calling for applications for the teaching as well as non-teaching posts. In response thereto, the appellant-writ petitioner applied for the post of Assistant Director in the Department of Physical Education, which is a non-teaching post. Since some persons filed W.P.No.9175 of 1997 and batch questioning the selections with regard to certain posts and obtained stay, selections were not made by the respondent-University for non-teaching posts. Thereafter, since the said batch of Writ Petitions were dismissed by this Court, the respondent-University started the selection process for non-teaching posts. The appellant-writ petitioner has received call letter on 08.10.1998 from the respondent-University to appear for interview on 29.10.1998 and again he received telegram on 27.10.1998 intimating about the postponement of the interview. Hence, the Writ Petition was filed.

The respondent-University filed counter-affidavit stating that it has notified to fill up some of the vacancies of teaching and non-teaching posts on 20.03.1997 and started selection process. While so, W.P.No.29321 of 1998 was filed by SKU SC/ST Non-Teaching Welfare Association challenging the roster points and in the said Writ Petition, this Court on 23.10.1998 gave interim direction to the effect that the selection process shall go on as per the schedules, but, the final selection list shall not be announced until further orders. The said Order was modified on 12.07.2000 to the effect that if any appointments are made pursuant to the notification, they will be subject to the result of the Writ Petition. It is further stated that to avoid legal complications, the respondent-University has decided not to make appointments for the remaining vacancies. The respondent-University has addressed a letter to the Government seeking certain clarification and the Government vide its letter dated 29.02.2002 has informed that a fresh notification be issued for filling up SC & ST

vacancies by following the Rules issued by the Government in G.O.Ms.No.47 Social Welfare (CV) Department dated 31.05.2002. It is also further stated that G.O.Ms.No.65 (GAD) dated 15.02.1997 was issued fixing the reservation in favour of woman candidates. Adopting the said G.O. and after obtaining permission from the Government, the respondent-University had issued fresh notification following the existing Rule of reservation in the month of May, 2005 to fill up the posts of Assistant Director of Physical Education. According to roster, the said posts have gone in favour of O.C.(women) and S.C.(women). The learned single Judge of this Court after going into the merits of the case, dismissed the Writ Petition. Aggrieved by the same, the present Writ Appeal has been preferred.

In view of the fact that G.O.Ms.No.65 (GAD) dated 15.02.1997 was not questioned and no material is placed before this Court to show that the said G.O. is the subject matter of any litigation, we do not find any merit in the Writ Appeal.

The Writ Appeal is accordingly dismissed. No order as to costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 08.08.2005

bsv/lvl